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STATUTORY INSTRUMENTS

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**1994 No. 574**

**TRANSPORT**

**The Railways (Heathrow Express) (Exemptions) Order 1994**

<i>Made</i>	- - - -	<i>7th March 1994</i>
<i>Laid before Parliament</i>		<i>8th March 1994</i>
<i>Coming into force</i>		
<i>Articles 1, 2, 4 and 5</i>		<i>1st April 1994</i>
<i>Article 3</i>		<i>2nd April 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7(1), (2), (9) and (10), 20(1), (2), (8), (9) and (12), 24(1), (2), (8) and (11), 49(4) and (5), 143(4) and 151(5) of the Railways Act 1993<sup>(1)</sup> and of all other powers enabling him in that behalf, and after consultation with the Rail Regulator in accordance with the said sections 7(1) and 20(1) in respect of articles 1 to 3, hereby makes the following Order:—

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Railways (Heathrow Express) (Exemptions) Order 1994.
- (2) Articles 1, 2, 4 and 5 of this Order shall come into force on 1st April 1994, and article 3 of this Order shall come into force on 2nd April 1994.
- (3) In this Order—
- “the 1991 Act” means the Heathrow Express Railway Act 1991<sup>(2)</sup>;
  - “the 1993 Act” means the Railways Act 1993;
  - “exempt light maintenance depot” means any such light maintenance depot as is mentioned in article 2(1)(e) below;
  - “exempt network” means any such network as is mentioned in article 2(1)(a) or (b) below;
  - “exempt station” means any such station as is mentioned in article 2(1)(c) or (d) below;
  - “the relevant day” means the day on which a railway passenger service is first provided for hire or reward between an exempt station and Paddington Station in London.

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(1) 1993 c. 43. Sections 6(1) (referred to in section 7(10)) and 23(1) (referred to in section 24(11)) come into force on 1st April 1994. Sections 17 and 18 (referred to in section 20(9)) come into force on 2nd April 1994.

(2) 1991 c.vii.

### **Licence exemption**

- 2.—(1) Exemption is granted to any person who acts as the operator of —
- (a) any network constructed in consequence of the making of any of the works authorised by section 5 of the 1991 Act;
  - (b) any network which extends or connects any such network as is mentioned in subparagraph (a) above to any part of Heathrow Airport;
  - (c) any station constructed in exercise of the power conferred by section 7 of the 1991 Act;
  - (d) any other station constructed at Heathrow Airport which is associated with an exempt network;
  - (e) any light maintenance depot constructed at Heathrow Airport which is associated with an exempt network; or
  - (f) any train being used on an exempt network;

from the requirement to be authorised by licence to be the operator of that network, station, light maintenance depot or train.

(2) The exemption granted in paragraph (1) above shall continue in force until the end of a period of thirty years beginning with the relevant day.

### **Facility exemption**

- 3.—(1) Exemption from sections 17 and 18 of the 1993 Act (access to railway facilities) is granted to any person who is a facility owner by reference to —
- (a) track comprised in any exempt network, or
  - (b) any exempt station or exempt light maintenance depot,

in respect of that track, station or light maintenance depot.

(2) The exemption granted in paragraph (1) above shall continue in force until the end of a period of thirty years beginning with the relevant day.

### **Franchise exemption**

4.—(1) Exemption from designation under section 23(1) of the 1993 Act (designation of passenger services as eligible for franchising) is granted to any person who provides a railway passenger service on any railway line comprised in an exempt network, in respect of that service.

(2) The exemption granted in paragraph (1) above shall continue in force until the end of a period of thirty years beginning with the relevant day.

### **Disapplication of closure provisions**

5.—(1) Every exempt network is a network in relation to which section 39 of the 1993 Act (closure of operational passenger networks) is not to have effect.

(2) Every exempt station and every exempt light maintenance depot is a station, or (as the case may be) a light maintenance depot, in relation to which section 41 of the 1993 Act (closure of railway facilities used in connection with passenger services) is not to have effect.

Signed by authority of the Secretary of State for Transport

Department of Transport  
7th March 1994

*Roger Freeman*  
Minister of State,

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the grant of exemptions from the licensing, access, franchising and closure provisions of the Railways Act 1993 (“the Act”) in respect of the proposed new railway between the Great Western Main Line and Heathrow Airport, and associated stations and light maintenance depots at Heathrow.

Article 2 provides for the grant of a licence exemption in respect of the proposed networks, stations and light maintenance depots, and any train being used on the networks.

Article 3 provides for the grant of an exemption from sections 17 and 18 of the Act (access to railway facilities) in respect of track comprised in the proposed networks and in respect of the stations and light maintenance depots.

Article 4 provides for the grant of an exemption from section 23(1) of the Act (designation of railway passenger services as eligible for franchising) in respect of any service provided on any line comprised in the exempt networks.

The exemptions contained in articles 2, 3 and 4 are to continue in force until thirty years after the commencement of the first service between Paddington Station and the new stations at Heathrow.

Article 5 provides that sections 39 and 41 of the Act (closure of operational passenger networks and facilities) are not to apply in relation to the proposed networks, stations or light maintenance depots.